



# DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **POWDER FILLING APPARATUS AND METHODS FOR THEIR USE** the specification of which \_\_\_ is attached hereto or X was filed on September 17, 1998 as Application No. 09/154,930 and was amended on \_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed<br>Under 35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
|         |                 |                | Yes _ No _                           |
|         |                 |                | Yes _ No _                           |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

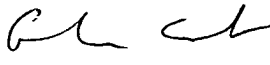
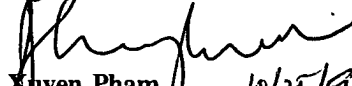



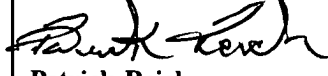
| Application No.                          | Filing Date  |
|--|--|
| 60/ 100,437<br><del>(Not assigned)</del> | Petition to Convert U.S. Application<br>No. 08/949,047 filed on July 21,<br>1998 |
|  |  |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

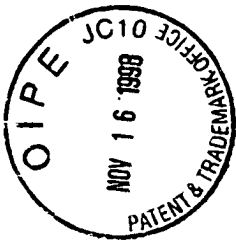
| Application No. | Date of Filing   | Status                                  |
|-----------------|------------------|---|
| 08/949,047      | October 10, 1997 | _ Patented <u>X</u> Pending _ Abandoned |
|                 |                  | _ Patented _ Pending _ Abandoned        |

|                         |   |  |   |                          |
|-------------------------|---|--|---|--------------------------|
| Full Name of Inventor 1 | Last Name<br><b>Stout</b>                                   | First Name<br><b>Gordon</b>                | Middle Name or Initial                  |                          |
| Residence & Citizenship | City<br><b>Albany</b>                                       | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |                          |
| Post Office Address     | Post Office Address<br><b>401 Evelyn #27</b>                | City<br><b>Albany</b>                      | State/Country<br><b>California</b>      | Zip Code<br><b>94706</b> |
| Full Name of Inventor 2 | Last Name<br><b>Pham</b>                                    | First Name<br><b>Xuyen</b>                 | Middle Name or Initial                  |                          |
| Residence & Citizenship | City<br><b>Fremont</b>                                      | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |                          |
| Post Office Address     | Post Office Address<br><b>114 Lurene Drive</b>              | City<br><b>Fremont</b>                     | State/Country<br><b>California</b>      | Zip Code<br><b>94541</b> |
| Full Name of Inventor 3 | Last Name<br><b>Rocchio</b>                                 | First Name<br><b>Michael</b>               | Middle Name or Initial<br><b>J.</b>     |                          |
| Residence & Citizenship | City<br><b>Hayward</b>                                      | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |                          |
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| Full Name of Inventor 4 | Last Name<br><b>Naydo</b>                                   | First Name<br><b>Kyle</b>                  | Middle Name or Initial<br><b>A.</b>     |                          |
| Residence & Citizenship | City<br><b>Sunnyvale</b>                                    | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |                          |
| Post Office Address     | Post Office Address<br><b>902 Rockefeller Drive, 3A</b>     | City<br><b>Sunnyvale</b>                   | State/Country<br><b>California</b>      | Zip Code<br><b>94087</b> |
| Full Name of Inventor 5 | Last Name<br><b>Parks</b>                                   | First Name<br><b>Derrick</b>               | Middle Name or Initial<br><b>J.</b>     |                          |
| Residence & Citizenship | City<br><b>San Carlos</b>                                   | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |                          |
| Post Office Address     | Post Office Address<br><b>1535 White Oak Way</b>            | City<br><b>San Carlos</b>                  | State/Country<br><b>California</b>      | Zip Code<br><b>94070</b> |
| Full Name of Inventor 6 | Last Name<br><b>Reich</b>                                   | First Name<br><b>Patrick</b>               | Middle Name or Initial                  |                          |
| Residence & Citizenship | City<br><b>San Mateo</b>                                    | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |                          |
| Post Office Address     | Post Office Address<br><b>1555 W. Hillsdale Blvd., #110</b> | City<br><b>San Mateo</b>                   | State/Country<br><b>California</b>      | Zip Code<br><b>94402</b> |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |   |  |
|---|---|--|
| Signature of Inventor 1<br><br>Gordon Stout  | Signature of Inventor 2<br><br>Xuyen Pham 10/25/98 | Signature of Inventor 3<br><br>Michael J. Rocchio |
| Date 11/5/98  | Date 10/25/98   | Date 11/5/98   |
| Signature of Inventor 4<br><br>Kyle A. Naydo | Signature of Inventor 5<br><br>Derrick J. Parks   | Signature of Inventor 6<br><br>Patrick Reich      |
| Date 29-10-98   | Date 11/10/98   | Date 11/10/98  |

DEC-6.MRG 8/96  
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Attorney Docket No. 15225-0030100

### POWER OF ATTORNEY BY ASSIGNEE

Inhale Therapeutic Systems is the Assignee of the invention entitled: POWDER FILLING APPARATUS AND METHODS FOR THEIR USE, the specification of which    is attached hereto or X was filed on September 17, 1998 as Application Serial No. 09/154,930.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James A. Heslin, Reg. No. 29,541  
Lesley S. Craig, Reg. No. 26,578  
Darin J. Gibby, Reg. No. 38,464  
Stephen L. Hurst, Reg. No. 31,266  
Felissa H. Cagan, Reg. No. 35,089

Send Correspondence to:

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Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834

Direct Telephone Calls to:  
(Name, reg. no., tele. no.)

Darin J. Gibby  
Reg. No. 38,464  
(303) 571-4000

### INHALE THERAPEUTIC SYSTEMS

Date: 21 October 1998

By: 

(Signature)

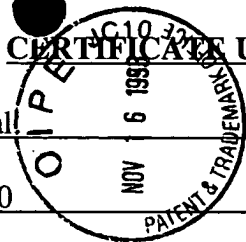
Name: Stephen L. Hurst

Title: Vice President Intellectual Property and Licensing

General Counsel & Secretary



CERTIFICATE UNDER 37 C.F.R. § 3.73(b)



Applicant: Gordon Stout et al

Application No.: 08/154,930

Filed: September 17, 1998

For: POWDER FILLING APPARATUS AND METHODS FOR THEIR USE

Inhale Therapeutic Systems, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : 21 October 1998

Name : Stephen L. Hurst

Title : ~~Vice President Intellectual Property and Licensing~~ General Counsel and Secretary

Signature : [Signature]

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Gordon Stout, 401 Evelyn #27, Albany California 94706; Xuyen Pham of 114 Lurene Drive, Fremont, California 94539; Micheal J. Rocchio of 2542 Jacob Street, Hayward, California 94541; Kyle A. Naydo of 902 Rockefeller Drive 3A, Sunnyvale, California 94087; Derrick J. Parks of 1535 White Oak Way, San Carlos, California 94070 and Patrick Reich, 1555 W. Hillsdale Boulevard, San Mateo, California 94402, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: **POWDER FILLING APPARATUS AND METHODS FOR THEIR USE**

Filing date: September 17, 1998 Serial No.: 09/154,930; and

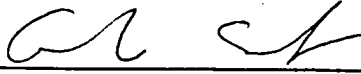
WHEREAS, **Inhale Therapeutic Systems** a California corporation, located at 150 Industrial Road, San Carlos, California 94070, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

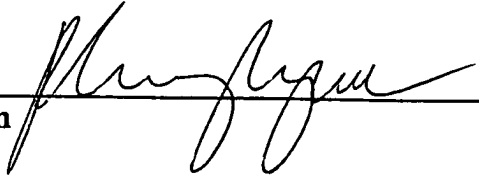
Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.


Date: 11/5/98

  
Gordon Stout

Date: 10/25/98

  
Xuyen Pham

Date: 11/5/98

  
Michael J. Rocchio

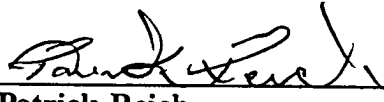
Date: 29-10-98

  
Kyle A. Naydo

Date: 11/10/98

  
Derrick J. Parks

Date: 11/10/98

  
Patrick Reich